

(3) the extension of waiver authority that was in effect with respect to the People's Republic of China under section 402(d)(1) of the Trade Act of 1974 (19 U.S.C. 2432(d)(1)) on the day before the effective date of the accession of the People's Republic of China to the World Trade Organization shall, upon the enactment of this Act, be deemed not to have expired, and shall continue in effect until the date that is 90 days after the date of such enactment.

(b) EXPANSION OF BASES OF INELIGIBILITY OF PEOPLE'S REPUBLIC OF CHINA FOR NORMAL TRADE RELATIONS.—

(1) IN GENERAL.—Section 402 of the Trade Act of 1974 (19 U.S.C. 2432) is amended—

(A) in the section heading, by striking “FREEDOM OF EMIGRATION IN EAST-WEST TRADE” and inserting “EAST-WEST TRADE AND HUMAN RIGHTS”; and

(B) by adding at the end the following:

“(f) ADDITIONAL BASES OF INELIGIBILITY OF PEOPLE'S REPUBLIC OF CHINA FOR NORMAL TRADE RELATIONS.—

“(1) IN GENERAL.—Products from the People's Republic of China shall not be eligible to receive nondiscriminatory treatment (normal trade relations), the People's Republic of China shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President shall not conclude any commercial agreement with the People's Republic of China, during the period—

“(A) beginning with the date on which the President determines that the People's Republic of China—

“(i) is in violation of paragraph (1), (2), or (3) of subsection (a);

“(ii) uses or provides for the use of slave labor;

“(iii) operates ‘vocational training and education centers’ or other concentration camps where people are held against their will;

“(iv) performs or otherwise orders forced abortion or sterilization procedures;

“(v) harvests the organs of prisoners without their consent;

“(vi) hinders the free exercise of religion;

“(vii) intimidates or harasses nationals of the People's Republic of China living outside the People's Republic of China; or

“(viii) engages in systematic economic espionage against the United States, including theft of the intellectual property of United States persons; and

“(B) ending on the date on which the President determines that the People's Republic of China is no longer in violation of any of clauses (i) through (viii) of subparagraph (A).

“(2) REPORT REQUIRED.—

“(A) IN GENERAL.—After the date of the enactment of this subsection, products of the People's Republic of China may be eligible to receive nondiscriminatory treatment (normal trade relations), the People's Republic of China may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and the President may conclude a commercial agreement with the People's Republic of China, only after the President has submitted to Congress a report indicating that the People's Republic of China is not in violation of any of clauses (i) through (viii) of paragraph (1)(A).

“(B) ELEMENTS.—The report required by subparagraph (A) shall include information as to the nature and implementation of laws and policies of the People's Republic of China relating to the matters specified in clauses (i) through (viii) of paragraph (1)(A).

“(C) DEADLINES.—The report required by subparagraph (A) shall be submitted on or before each June 30 and December 31 of each

year for as long as products of the People's Republic of China receive nondiscriminatory treatment (normal trade relations), the People's Republic of China participates in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, or a commercial agreement with the People's Republic of China is in effect.

“(3) WAIVER.—

“(A) IN GENERAL.—The President is authorized to waive by Executive order the application of paragraphs (1) and (2) for a 12-month period if the President submits to Congress a report that the President—

“(i) has determined that such waiver will substantially promote the objectives of this subsection; and

“(ii) has received assurances that the practices of the People's Republic of China relating to the matters specified in clauses (i) through (viii) of paragraph (1)(A) will in the future lead substantially to the achievement of the objectives of this subsection.

“(B) TERMINATION OF WAIVER.—A waiver under subparagraph (A) shall terminate on the earlier of—

“(i) the day after the waiver authority granted by this paragraph ceases to be effective under paragraph (4); or

“(ii) the effective date of an Executive order providing for termination of the waiver.

“(4) EXTENSION OF WAIVER AUTHORITY.—

“(A) RECOMMENDATIONS.—If the President determines that the further extension of the waiver authority granted under paragraph (3) will substantially promote the objectives of this subsection, the President may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

“(i) be made not later than 30 days before the expiration of such authority;

“(ii) be made in a document submitted to the House of Representatives and the Senate setting forth the reasons of the President for recommending the extension of such authority; and

“(iii) include—

“(I) a determination that continuation of the waiver will substantially promote the objectives of this subsection; and

“(II) a statement setting forth the reasons of the President for such determination.

“(B) CONTINUATION IN EFFECT OF WAIVER.—If the President recommends under subparagraph (A) the further extension of the waiver authority granted under paragraph (3), such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension, unless—

“(i) Congress adopts and transmits to the President a joint resolution of disapproval under paragraph (5) before the end of the 60-day period beginning on the date the waiver authority would expire but for an extension under subparagraph (A); and

“(ii) if the President vetoes the joint resolution, each House of Congress votes to override the veto on or before the later of—

“(I) the last day of the 60-day period referred to in clause (i); or

“(II) the last day of the 15-day period (excluding any day described in section 154(b)) beginning on the date on which Congress receives the veto message from the President.

“(C) TERMINATION OF WAIVER PURSUANT TO JOINT RESOLUTION OF DISAPPROVAL.—If a joint resolution of disapproval is enacted into law pursuant to paragraph (5), the waiver authority granted under paragraph (3) shall cease to be effective as of the day after the 60-day period beginning on the date of the enactment of the joint resolution.

“(5) JOINT RESOLUTION OF DISAPPROVAL.—

“(A) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this paragraph, the term ‘joint

resolution of disapproval’ means a joint resolution the matter after the resolving clause of which is as follows: ‘That Congress does not approve the extension of the authority contained in paragraph (3) of section 402(f) of the Trade Act of 1974 with respect to the People's Republic of China recommended by the President to Congress under paragraph (4) of that section on ____’, with the blank space being filled with the appropriate date.

“(B) PROCEDURES IN HOUSE AND SENATE.—The provisions of subsections (b) through (f) of section 152 shall apply with respect to a joint resolution of approval to the same extent and in the same manner as such provisions apply with respect to a resolution described in subsection (a) of that section, except that subsection (e)(2) of that section shall be applied and administered by substituting ‘Consideration’ for ‘Debate’.

“(C) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph is enacted by Congress—

“(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such other rules; and

“(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 402 and inserting the following:

“Sec. 402. East-West trade and human rights.”.

SA 1596. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6124 and insert the following:

SEC. 6124. FOREIGN FUNDING ACCOUNTABILITY.

(a) SHORT TITLE.—This section may be cited as the “Foreign Funding Accountability Act of 2021”.

(b) AMENDMENTS TO DISCLOSURES OF FOREIGN GIFTS AND CONTRACTS.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) DISCLOSURE REPORT.—

“(1) FILING.—An institution shall file a disclosure report with the Department of Education on January 31 or July 31, whichever is sooner, if the institution—

“(A) is owned or controlled by a foreign source; or

“(B) receives a gift or enters into a contract with a foreign source, the value of which is \$25,000 or more (including in-kind gifts, gifts to institution foundations, and gifts to any other legal entities that operate substantially for the benefit or under the auspices of the institution), considered

alone or in combination with all other gifts from or contracts with that foreign source within a calendar year.

“(2) TUITION.—A tuition payment to an institution on behalf of an enrolled student by a foreign government or foundation shall be considered a gift from or contract with a foreign source under this subsection.

“(3) DESIGNATED INDIVIDUAL.—Each institution that is required to file a disclosure report under this section shall designate an officer at the institution who shall be responsible for ensuring the veracity of the disclosure report.

“(b) CONTENTS OF DISCLOSURE REPORT.—

“(1) OWNED OR CONTROLLED BY A FOREIGN SOURCE.—An institution that is required to file a disclosure report under subsection (a)(1)(A) shall include in the report:

“(A) The identity of the foreign source.

“(B) The date on which the foreign source assumed ownership or control.

“(C) Any changes in program or structure resulting from the change in ownership or control.

“(2) GIFTS OR CONTRACTS.—An institution that is required to file a disclosure report under subsection (a)(1)(B) shall include in the report:

“(A) The amount of the gift or contract.

“(B) The country of origin of the gift or contract.

“(C) A statement from the foreign source providing the gift or entering into the contract, including, in the case of a foreign source that is—

“(i) an individual, the individual’s—

“(I) name;

“(II) nationality

“(III) principal business address; and

“(IV) all business and residential addresses in the United States or elsewhere;

“(ii) a partnership—

“(I) the information described in subclause (I) through (IV) of clause (i) with respect to each member of the partnership; and

“(II) a true and complete copy of its articles of copartnership; or

“(iii) an association, corporation, organization, or any other combination of individuals—

“(I) the information described in subclauses (I) through (IV) of clause (i) with respect to each director, officer, and each individual performing the functions of a director or officer for that entity; and

“(II) a statement of the entity’s ownership and control, and the publicly listed name of the entity.

“(D) The explicit and intended purpose and function of the gift or contract, including—

“(i) the name (and position if applicable) of the recipient individual, department, or benefactor at the institution receiving the gift or contract;

“(ii) any terms or conditions of the gift or contract;

“(iii) copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, relating to the gift or contract; or

“(iv) where no written or oral agreement exists, a full statement of all the circumstances relating to the gift or contract.

“(3) ATTESTATION.—Each disclosure report under this section shall include a written statement from the individual designated under subsection (a)(3) attesting that the disclosure report is true and complete.”;

(2) by striking subsections (c) and (d);

(3) by redesignating subsections (e) through (h) as subsections (c) through (f), respectively;

(4) in subsection (c), as redesignated by paragraph (3), by adding at the end the following: “All disclosure reports required by this section, including copies of agreements

required under subsection (b)(2)(D)(iii), shall be publicly available, including by electronic means.”;

(5) by striking subsection (d), as redesignated by paragraph (3), and inserting the following:

“(d) ENFORCEMENT.—

“(1) CIVIL PENALTIES.—Upon determination, after reasonable notice and opportunity for a hearing, that an institution—

“(A) has violated or failed to carry out any provision of this section or any regulation prescribed under this section (including by submitting a disclosure report with a material misstatement or omission), the Secretary may impose a civil penalty upon such institution of not to exceed, the greater of—

“(i) \$250,000 for an initial violation or failure; or

“(ii) the value of the unreported gift or contract for an initial violation or failure;

“(B) commits a second violation or failure as described in subparagraph (A), the Secretary may impose a civil penalty upon such institution of not to exceed, the greater of—

“(i) \$750,000; or

“(ii) the value of the unreported gift or contract;

“(C) commits 3 or more violations or failures as described in subparagraph (A)—

“(i) the Secretary may impose a civil penalty upon such institution of not to exceed, the greater of—

“(I) \$1,000,000; or

“(II) the value of the unreported gift or contract; and

“(ii) the institution may be subject to penalties relating to the Student and Exchange Visitor Program and the institution’s tax exempt status, as described in sections 4 and 5 of the Foreign Funding Accountability Act of 2021; or

“(D) commits 3 or more violations or failures as described in subparagraph (A) and has demonstrated a pattern of willful violations, the Secretary may determine that the institution is no longer eligible to receive funds under this Act.

“(2) COURT ORDERS.—Whenever it appears that an institution has failed to comply with the requirements of this section, including any rule or regulation promulgated under this section, a civil action may be brought by the Attorney General, at the request of the Secretary, in an appropriate district court of the United States, or the appropriate United States court of any territory or other place subject to the jurisdiction of the United States, to request such court to compel compliance with the requirements of this section (including for the collection of civil penalties under this subsection). In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States where such person resides or transacts business for a court order for the enforcement of this section.

“(3) COSTS.—For knowing or willful failure to comply with the requirements of this section, including any rule or regulation promulgated thereunder, an institution shall pay to the Treasury of the United States the full costs to the United States of obtaining compliance, including all associated costs of investigation and enforcement.

“(4) INVESTIGATION; SUBPOENA AUTHORITY.—The Secretary shall establish an investigative process to identify gifts or contracts with respect to which a disclosure report under this section is required and has not been submitted. To assist the Secretary in the conduct of investigations of possible violations of this section, the Secretary is authorized to require by subpoena the production of information, documents, reports, answers, records, accounts, papers, and other

documentary evidence pertaining to this section. The production of any such records may be required from any place in a State.”;

(6) in subsection (f)(2), as redesignated by paragraph (3)—

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) in subparagraph (D), by adding “and” after the semicolon; and

(C) by adding at the end the following:

“(E) any person registered under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.)”.

(c) REPORT ON PAST YEARS REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, each institution shall prepare and submit to the Secretary of Education a disclosure report containing the information described in subsection (b) of section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f(b)) (as amended by subsection (b) of this section) as required under subsection (a) of such section 117 (as amended by subsection (b) of this section) for every qualifying event that has occurred on or after the date of enactment of the Higher Education Amendments of 1998 (Public Law 105-244) and before the date of enactment of this Act.

(2) INSTITUTIONS UNABLE TO COMPLY.—In the case of an institution that is unable to comply with the requirements of paragraph (1) with respect to a qualifying event, that institution shall submit a statement to the Secretary of Education, for each such qualifying event, describing in detail in detail why the institution cannot comply with respect to that qualifying event.

(3) WAIVER.—An institution may request, and the Secretary of Education may grant, a waiver with respect to the report required under this subsection if the institution demonstrates good cause for requiring such a waiver.

(4) ENFORCEMENT.—

(A) IN GENERAL.—Upon determination, after reasonable notice and opportunity for a hearing, that an institution has violated or failed to carry out any provision of this subsection or any regulation prescribed under this subsection (including by submitting a disclosure report with a material misstatement or omission), the Secretary of Education may impose a civil penalty upon such institution not to exceed \$25,000 for each qualifying event that the institution has failed to report in accordance with this subsection.

(B) COURT ORDERS.—Whenever it appears that an institution has failed to comply with the requirements of this subsection, including any rule or regulation promulgated under this subsection, a civil action may be brought by the Attorney General, at the request of the Secretary of Education, in an appropriate district court of the United States, or the appropriate United States court of any territory or other place subject to the jurisdiction of the United States, to request such court to compel compliance with the requirements of this subsection (including for the collection of civil penalties under this subsection).

(C) COSTS.—For knowing or willful failure to comply with the requirements of this subsection, including any rule or regulation promulgated thereunder, an institution shall pay to the Treasury of the United States the full costs to the United States of obtaining compliance, including all associated costs of investigation and enforcement.

(D) INVESTIGATION; SUBPOENA AUTHORITY.—The Secretary of Education shall establish an investigative process to identify gifts or contracts with respect to which a disclosure under this subsection is required and has not been submitted. The Secretary of Education may use administrative subpoena authority

as authorized under law to conduct such investigations.

(5) DEFINITIONS.—In this subsection:

(A) INSTITUTION.—The term “institution” has the meaning given that term in section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f).

(B) QUALIFYING EVENT.—In this section the term “qualifying event” means an institution—

(i) being owned or controlled by a foreign source; or

(ii) receiving a gift or entering into a contract with a foreign source, the value of which is \$25,000 or more (including in-kind gifts, or gifts to university or college foundations), considered alone or in combination with all other gifts from or contracts with that foreign source within a calendar year.

(d) DISQUALIFICATION FROM THE STUDENT AND EXCHANGE VISITOR PROGRAM.—Any institution of higher education that is found to have violated the disclosure requirements set forth in section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) on 3 or more occasions shall be ineligible to enroll foreign students under the Student and Exchange Visitor Program.

SA 1597. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 2303(c), at the end add the following: “No exemption under this subsection shall take effect unless it is approved by the Director of National Intelligence and submitted in a report to the relevant congressional committees.”.

SA 1598. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In title V of division B, at the end add the following:

SEC. 25. COMMITTEE TO RESEARCH ORIGINS OF COVID-19.

(a) IN GENERAL.—The Directorate shall establish a Federal oversight committee to research the origins of COVID-19 and provide the findings of such research to the Directorate. Such committee shall be comprised of each of the following (or their designees):

(1) The Directorate.

(2) The Secretary of Health and Human Services, in coordination with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention.

(3) The Secretary of Defense.

(4) The Secretary of Homeland Security.

(5) The Secretary of Agriculture.

(6) The Director of National Intelligence.

(7) The Secretary of State.

(b) AWARDS.—A portion of the amount made available to the Directorate under this Act shall be made available to the committee established under this section for the purpose of making grants to any individual, or entity, that is eligible for a grant under any other provision of this Act for the purpose of researching the origins of COVID-19 in coordination with such committee.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Directorate shall provide to Congress and the President a final report on the findings of the committee under subsection (a).

SA 1599. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 3 and 4, insert the following:

(F) included in the Consolidated Screening List; or

(G) domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Commerce in consultation with the Secretary of Defense and the Director of National Intelligence.

SA 1600. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In title V of division B, at the end add the following:

SEC. 25. SUNSET.

This division, and the amendments made by this division, shall cease to have any force or effect on the date that is 5 years after the date of enactment of this Act.

SA 1601. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other

purposes; which was ordered to lie on the table; as follows:

On page 236, line 20, strike “to the extent practicable.”.

SA 1602. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, beginning on line 3, strike “1 year” and all that follows through “this division” on line 4 and insert “1 month after the policy guidelines are published under subsection (a)”.

SA 1603. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In section 2005(a)(2), at the end add the following: “No such update shall take effect unless approved by the Director of National Intelligence.”.

SA 1604. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

In title V of division B, at the end add the following:

SEC. 25. REQUIREMENTS FOR ALL RECIPIENTS OF FUNDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the head of a Federal agency awarding funding under this division, including any amendment made by this division, shall, except as provided in subsection (b), comply with each of the following:

(1) An applicant for such award may be a not-for-profit or for-profit entity.

(2) An applicant for such award shall be an organization based in the United States.

(3) An applicant for such award shall not accept any funding from foreign sources.

(b) WAIVER.—

(1) IN GENERAL.—The head of a Federal agency administering an award described in subsection (a) may, with the approval of the